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CORNING INCORPORATED
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CORNING, NY 14831

MAR 23 2005

In re Application of
BHAGAVATULA et al.
Application No. 09/812,108
Filed: March 19, 2001
Attorney Docket No. SP00-095

DECISION ON PETITION

This is a decision on the petition filed March 22, 2004, requesting that the holding of abandonment in the above-identified application be withdrawn for failure to file formal drawings as required in the Notice of Allowability. The issue fee was paid on December 1, 2003.

The petition to withdraw the holding of abandonment is DENIED.

A Notice of Allowance was mailed on October 22, 2003, setting forth a three-month period of response. The Notice of Allowability indicated that corrected drawings must be submitted including changes required by the proposed drawing correction filed September 8, 2003 which has been approved by the examiner. The application was abandoned for applicant's failure to timely file new formal drawings.

Petitioner asserts that there was no outstanding drawing requirement because formal drawings were received on September 8, 2003 as evidenced by the return receipt postcard identifying two pages of drawings accompanying the Response dated September 8, 2003. Petitioner further asserts that because the drawings were submitted prior to the mailing of the Notice of Allowability, the formal drawings were timely submitted. Petitioner has attached a copy of the Response dated September 8, 2003 together with a copy of the annotated drawing sheet identifying changes and the replacement drawing sheet.

A review of the application file reveals that in the non-final Office mailed on March 6, 2003, applicant was required to submit either a proposed drawing correction or corrected drawings in response to the Office action. In the Response dated September 8, 2003 applicant referenced the amendments to the drawings using both an annotated drawing sheet identifying changes and a replacement drawing sheet. The Response fails to mention that the replacement drawing sheet is also the corrected drawings as required by the Office action mailed March 6, 2003.

A review of the replacement drawing sheet and the originally filed drawings reveals that the figures on each sheet do not correspond. The replacement drawing sheet contains Figure 19-21 and the original drawing sheet contains Figures 19-22. Figure 22 would be omitted upon entry of the replacement drawing sheet.

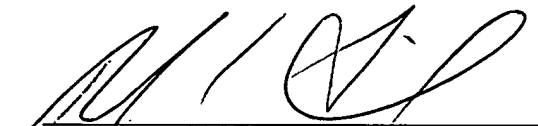
Under 37 CFR 1.81(a), applicant for a patent is required to furnish a drawing of his or her invention where necessary for the understanding of the subject matter sought to be patented. Figure 22 is necessary to facilitate understanding of the subject matter (see page 15 of the specification) and therefore Figure 22 is required.

Further, the record is devoid of any response by applicant to bring to the examiner's attention that the corrected drawings have been filed and that the requirement of the Notice of Allowability to submit new formal drawings should be withdrawn.

In view of the above stated reasons, the application remains abandoned and the petition to withdraw the holding of abandonment for the above-identified application is denied.

Any request for reconsideration must be filed within TWO MONTHS of the date of this decision.

Inquiries regarding this decision should be directed to Jose' G. Dees at (571) 272-1569.


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